

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

LAYLA KIANI,

Plaintiff,

vs.

TRUSTEES OF BOSTON UNIVERSITY,

Defendant.

CIVIL ACTION NO. 04-CV-11838-PBS

**DEFENDANT TRUSTEES OF BOSTON UNIVERSITY'S
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56(c), Defendant Trustees of Boston University (the “University”) moves this Court to grant summary judgment in its favor on all remaining elements of this case. The evidence establishes that there is no genuine issue as to any material fact, and the University is entitled to judgment as a matter of law.

Count I argues that the University breached its contract by failing to provide Plaintiff with notice of her right to remain silent during academic misconduct proceedings that were brought because she submitted plagiarized papers to several of her faculty. But the evidence establishes that the University did in fact provide Plaintiff with notice of her rights, and complied with all of the protocols set forth in its own Disciplinary Regulations.

Count III asserts that a series of disconnected remarks by members of the faculty of the School of Law reflect an intent to discriminate against Plaintiff because of her disability. But the evidence shows that the alleged remarks either did not take place, or are lifted out of context. In any event, stray remarks, particularly by people who have no involvement in challenged decisions, cannot support a claim of liability.

Count IV charges that the University discriminated against Plaintiff because it failed to provide her a particular accommodation she requested. But the un rebutted evidence shows that that accommodation was not supported by documentation from a treating physician or other qualified professional, and that the University was already providing alternate accommodations that afforded Plaintiff the same benefits she was seeking.

In this Circuit, courts routinely, and properly, afford academic decisionmakers great deference in their judgments. The evidence shows that the actions and decisions Plaintiff challenges were neither arbitrary nor capricious. Defendant Trustees of Boston University respectfully requests that this Court grant its motion for summary judgment, and DISMISS Counts I, III and IV of the complaint.

Respectfully submitted,

TRUSTEES OF BOSTON UNIVERSITY,
By its attorney,

/s/Lawrence S. Elswit

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Date: May 13, 2005